

**Town of Halfmoon Planning Board****Meeting Minutes – August 25, 2014**

Those present at the August 25, 2014 Planning Board meeting were:

**Planning Board Members:** John Ouimet – Chairman  
Don Roberts – Vice Chairman  
Rich Berkowitz  
Marcel Nadeau  
Tom Ruchlicki  
John Higgins  
Lois Smith-Law

**Planning Board Alternates:** Robert Partlow

**Director of Planning:** Richard Harris  
**Planner:** Paul Marlow

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Cathy Drobny

**Town Board Liaison:** John Wasielewski

**CHA Representative:** Mike Bianchino

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Mr. Ouimet opened the August 25, 2014 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the August 11, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the August 11, 2014 Planning Board Minutes. Mr. Berkowitz seconded. Mr. Higgins, Mrs. Smith-Law and Mr. Partlow abstained due to their absence from the August 11, 2014 Planning Board Meeting. Vote: 5-Aye, 0-Nay, 3-Abstained. Motion carried.

**Public Hearing:****14.086 PH Mikol Subdivision, Hogan Lane – Minor Subdivision**

Mr. Ouimet re-opened the Public Hearing at 7:01pm. Mr. Ouimet stated the following: This is a continuation of the Public Hearing for the Mikol Minor Subdivision located on Hogan Lane. Mrs. Denise Mikol, the applicant, stated the following: My husband, Mr. Doug Mikol, is also present for tonight's Public Hearing. We're subdividing one of our parcels out for our daughter. The lot will be 21,928 SF and our remaining lands will be 87,076 SF, which is located on Hogan Lane. The subdivided lot will have sewer and water and the parcel will have 20 FT of frontage on a Town Road. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Eugene Lorini, Jr. stated the following: My father owned the land directly at the end of Hogan Lane and the only reason why we were here the last time and we're here again is that we had concerns. The first concern is regarding what we have our deeds from years ago when my father bought the land showed 120 FT along the same line that the Mikol's are looking to break off. So, our question the last time was where they were coming across to get their 20 FT frontage from our old property deeds

was in conflict with what we had. So, with their new map and then with the new map for this week shows that they have 124 FT frontage to the far corner and they're getting 20 FT frontage on Hogan Lane and the only thing that we were looking to get clarified was that everything that we have says that our property went 120 FT to the end of Hogan Lane. In talking to Mr. Harris last week after the meeting, apparently Hogan Lane was extended or land was taken over by the Town so; I guess I filed a Freedom of Information Law (F.O.I.L) request just to find out to get clarification of where the end of Hogan Lane was and I guess that's in the process of getting that information. Mr. Harris showed me some information saying that somewhere between December of 1988 and September of 1991 this had been brought up before the Town Board and things were done, but we just don't have any record of it. So, the only thing that we were looking for was clarification of where Hogan Lane actually comes to meet my father's property and as long as everything is in line as it should be, we have no issues and that's the only thing that we're looking for to find out. The second thing that we were here to question was that 20 years ago back in the early 1990's when my father came up here to start to find out about possibly doing something with the land; we were told there was a provision that no more than 19 residential houses can be serviced by a dead end street. Again, at the last meeting and then again talking to Mr. Harris; he gave me some information saying that the regulations were changed under local law regarding dead end streets and he provided me with new documentation and with reading it, it just says that dead end streets now can be no longer than 1,200 FT, but it talks about the discretion of the Planning Board saying that if they decided to have a dead end street in excess of that amount that there are certain things that they would want to have met as far as future extensions of roads and the property. So again, we were just looking to get clarification that if we were to look into doing something with the land or someone else was looking to do something with our land, that that indeed is the case that Dominica Drive could be extended because we have been under the impression that no more houses could be put out onto Dominica Drive, which would be off of Hogan Lane as well. So, if the law being changed now enables that to be done with whatever stipulations are put forward by the Board and again, we're just looking for clarification on those items so we know where we stand. Other than that, there are no issues, questions or problems. Mrs. Murphy stated the following: With regards to the F.O.I.L. request, I'm sure the Town's Clerk Office is reviewing your request and we will get you the documents that you need. I'm not familiar with what the Board did at that point in time, but I'm sure whatever you're being advised by both the Highway Department and the Planning Department is accurate. With regards to the ability to construct more lots on the property then prior to the change in the local law, that is accurate, but I can't tell you that you yourself will be able to without knowing much more about your property. Mr. Lorini stated absolutely. Mrs. Murphy stated the following: So, the ability is there, but I just can't say specifically for you without this Board's approval and looking at a lot, a layout, wetlands and go on and on. So, the ability is there on what has changed. Mr. Lorini stated so, the ability is there and like I said, back in the 1990's when we came; we got a letter basically saying "no, nothing can be done because of the 19 residential units" and they basically said that we couldn't do anything. So, I was just coming up here to find out that there is an avenue where there are possibilities now that didn't exist before. I know they said the F.O.I.L. request would take a little bit of time and again, just so that we understand that their frontage is on Hogan Lane with the road possibly has been extended or the Town has taken over more of it and that's fine. Again, I'm just looking for clarification on all of that. Mr. Jim Varriale stated the following: I currently reside at 2 Hogan Lane. I'm kind of in the same scenario with Mr. Lorini as well. We don't necessarily have a problem with the development of this property, but the current situation; as we discussed two week ago, is that Hogan Lane presently right now is what I think what would be considered as an unfinished roadway at this point. I believe at the time that it was constructed that there was intent to go further with it and at the time that construction stopped and so did the roadway surface. As a

matter of fact, the roadway surface ends at my driveway and my property extends roughly 60 FT from my driveway, which at this point is a sand type gravel sub street and nothing more. Additionally, as a result of that, my driveway is degrading because of the roadway surface as well. It looks like Mr. Lorini is looking for the possibility to subdivide as well and my concern is; has there been any type of an investigation for a master plan if in fact this happens. Right now with it being an unfinished roadway and again, there are hardships and with the way that the driveway is presently being laid out; the roadway is going as an angle and it obviously looks like it's to circumvent the lack of an approved easement to put it straight out so that it would in fact end on Hogan Lane. If the development continues, that's where my concern exists. I do believe there might be the intent where your property might be subdivided into four lots and if that does happen, it would be my concern where those driveways would physically be placed. The way it sits right now, the land adjacent, which is also owned the Mikol's, is 126 FT and in order for this driveway to go in and meet Hogan Lane it looks like for the one parcel that they're going to basically grant themselves an easement to allow for that roadway to hit Hogan Lane and circumvent the Lorini property and it's that type of development that I'm concerned with. Right now with a dead end street, we're looking at basically really not doing smart planning in my opinion. I'm looking to find out if in fact that there's any investigation that we can do to consider this if there is intent for them to build and whether or not there would be some type of circle that's placed down at the end where there is actually a manhole before it reaches down into the gully. If so, it just seems like it would be the natural case for this driveway to obviously exit perpendicular to the property lines and not at an angle to circumvent an easement issue. So, with that being said, I just want to make sure that the planning being is being done because there are hardships right now on that property with garbage trucks and the lack of school buses being able to go down that roadway right now. My wife makes four trips daily to the school bus stop and that road is 1/2-mile long. Also, Mr. Lorini mentioned and I was unaware of this; that for a dead end street and at one point it was 1,200 FT for a dead end street and from the top of Dominica to the end of the my property I'd be willing to bet it's probably 2,600 FT and Hogan Lane is not necessarily a road except by definition, but more or less an extension of Dominica Drive as it's not a turn and it's just more of an angle. So, I just wanted to express that to the Board that that is where our concerns lie at this point. Mrs. Mikol stated the following: When we bought this land back in 1981, that development back there and the whole Dominica Drive thing was built prior to zoning in the Town of Halfmoon. So, I do believe and I was also told at that time that the length of the road had no bearing on this subdivision and most of those houses, in fact the one that Mr. Varriale is living in right now was built in 1968 and that was right around the same time that zoning began and a lot of those houses were already in place. So, that 1,200 FT rule did not apply to this subdivision then nor now because I believe it's grandfathered pre-existing and that's what we were told when we bought that land. Also, we do have enough land there for a total of four lots, we have 4 kids and the reason why we bought it was because we thought that one day when they became adults that maybe they'd all want to live together. So, there is enough frontage there for each of those lots using a flaglot for two of them and the other one will have enough frontage on the Town road. That's what the plan always has been and one of our daughters came to us and said "I want to build a house" so, that's what it is there for and that's why we're here tonight. Mr. Varriale stated the following: Again, I live at 2 Hogan Lane and the lot in question here is that there is 126 FT of road frontage, but the actual roadway area is less than that if the driveway is going to be placed where it is for this present property. If there are four houses being built here, that means there are four driveways in roughly 110 FT of roadway frontage that resides directly in front of my property. So, I'm going to be very up front, that's going to be something that I'm really going to put in my best effort to make sure that it does not happen because to me that's a hardship and I don't where in Halfmoon where you're going to see something of a neighborhood setting where there's four driveways 20 FT apart from

each other servicing a lot. Again, with the master planning, something needs to be done more than just looking at this proposed house here and I don't want to be back here in 3 or 5 years to have a conversation with the fact that now we're going for the next lot and then we're going to be going for the next one and next one. Again, that's four driveways that would be placed directly in front of my house. With two people in a household minimum, that's eight cars in the morning and eight cars in the afternoon and that's night traffic through the windows in my house, and there are kids, there's family, there's friends and to me that's a real concern. Mr. Ouimet closed the Public Hearing at 7:18pm. Mr. Higgins stated the following: I wasn't here at the previous meeting so; this is the first time that I'm seeing it. Where does Hogan Lane end? Mrs. Murphy stated more than 20 FT past the beginning of this lot, correct? Mr. Harris stated yes, correct. Mr. Higgins stated so; Hogan Lane ends more than 20 FT from the beginning of this lot with the revised drawing, correct? Mrs. Murphy stated correct. Mr. Higgins stated so; in essence the new driveway is coming off the end of Hogan Lane. Mr. Harris stated the following: Hogan Lane; the pavement ends where you see it on that plan and they're connecting their driveway to the pavement, but where it's driveway, it's still Town right-of-way, but unimproved. An unimproved section of Hogan Lane extends to the interior of their parcel that they're subdividing. Mr. Higgins stated so; we're approving letting the applicant put their driveway on Town property. Mr. Harris stated I'll have to look at what that shows exactly as this version doesn't show it coming into the right-of-way, but I will tell you that the driveway does come into the right-of-way. Mrs. Murphy stated every driveway comes into a right-of-way. Mr. Harris stated yes, right and their driveway will extend into the right-of-way along the Town right-of-way and connect to the pavement where it ends on Hogan Lane. Mr. Higgins stated all I'm trying to do is make sure that what we approve tonight when someone else comes in the future and wants to extend Hogan Lane, that everyone understands what property they own so, we don't have an argument somewhere down the road and that's the reason why I'm asking the questions. So, if the Lorini's or someone they sell to decides to extend Hogan Lane into a development that they put there somewhere and if approved by this Board I just want make sure that the applicant understands that even though they're putting a driveway there that it is in essence Town property that in the future can be taken and a road can be put through there, correct? Mr. Harris stated I think that is a question for the applicant. Mr. Higgins stated I just want to make sure that somewhere down the road we don't have an upset applicant, that's all. Mr. Mikol stated in what regard does that happen? Mr. Higgins stated because I assume you're going to put your driveway to the end of Hogan Lane in Town property. Mr. Mikol stated for the existing parcel that we're here for is what you're talking about? Mr. Higgins stated yes, for Lot #2. Mr. Mikol stated right, yes and actually it's kind of gravelly there and like you said before the pavement ends just after his driveway and then it's extended with gravel so, it kind of hits the gravel part. Mr. Higgins stated but even if you put pavement there for your driveway, somewhere down the road that road might be extended and you may lose. Mr. Mikol stated they put a circle down in here somewhere. Mr. Higgins stated okay, that's fine. Mr. Ouimet asked Mr. Mikol if he was planning on paving the gravel. Mr. Mikol stated no. Mr. Ouimet stated so, you're just going to pave up until the end of your property line, correct? Mr. Mikol stated yes. Mr. Ouimet stated alright so, you're going to have to travel on a strip of gravel to get to the paved surface. Mr. Mikol stated I'm assuming so. Mr. Ouimet stated until or unless Hogan Lane is extended. Mr. Mikol stated I guess I would ask that they finish the road because we're not talking about six miles; we're talking about a couple hundred feet. Mr. Harris stated the plan though shows a driveway coming off your property onto Town right-of-way and connecting to the pavement. Mr. Mikol stated yes. Mr. Harris stated why does it show a driveway then on Town right-of-way because it doesn't end at the right-of-way and it continues into Hogan Lane unimproved section. Mr. Mikol stated I think the surveyor was just drawing the way the driveway is located. Mr. Harris stated I think the Board needs to be clear that you're not extending blacktop for pavement purposes. Mr. Mikol stated we're not fixing

up Hogan Lane and we're not putting guardrails in. Mr. Harris stated I understand and the Highway Superintendent is here and I want him to hear too that you're not going to be coming for a curb cut or any improvements. Mr. Mikol stated no, no culverts and no nothing. Mrs. Murphy stated just so everybody is clear, they're not paving that gravel. Mr. Mikol stated okay, I'm assuming at some time if this gets developed, this will all come into play. Mr. Berkowitz asked do they plow that area? Mrs. Murphy stated yes. Mr. Berkowitz stated so; they plow into the gravel? Mrs. Murphy stated yes. Mr. Mikol stated well, he would know because they push the snow past your driveway right now. Mrs. Murphy stated yes, the Highway Superintendent is right here and he just confirmed that that's what they do. Mr. Varriale stated the following: I am under the impression that the roadway is going to be extended the 60-plus FT to the end of my property line and it's my understanding that the roadway surface should be maintained to the end of the property line. However, it does pose another challenge too because there is a 4 FT distance between the end of this driveway and the Lorini property, which poses a problem for the Highway Department as far as where they are going to place the snow. Can we inadvertently just put it on the Lorini's property to remove it and so forth, but that's a story for another day, but to have that gravel in that area after this place is constructed I can't see how that's possible because that's a serious dust situation for me and that's not realized right now and we are talking 60 FT and there have been discussions with it so, I think that's something that we can carry further with it, but to not consider that roadway surface to be improved, I can't see how that would not be a realized situation in this case. Mr. Ouimet stated just so you understand; I think what we're getting is clarification that this developer is not improving Hogan Lane. Mr. Varriale stated that is correct and I'm not sure that it would be the developer's responsibility to actually do this. Mr. Ouimet stated I understand and that's why at the end of the last Public Hearing we made arrangements for the Town Highway Superintendent to go meet you all there. Mr. Varriale stated the following: Yes, that actually happened and it's my understanding that the roadway should be maintained to my property, which is roughly 60 FT. Also, I'm hopeful that that's something that will actually in fact happen and not that there is a gravel area of 60 FT that they need to cross to get onto the Hogan Lane area further eroding the asphalt that's literally at the end of my driveway that's destroying the end of my driveway right now if you were to come out and actually take a physical look at it. So again, I just wanted to raise that as being a realized case here. Mrs. Murphy stated the following: I just want to make sure that everybody is clear; even though the Public Hearing portion of this has ended and is closed; that this application does not in any way say that the Town is going to extend Hogan Lane to the end of his driveway. He is working with the Town on that issue, but that is not what this is about. I just want everybody to be on the same page. Mr. Varriale stated certainly, thank you. Mr. Nadeau stated the following: I just have a comment pertaining to the remaining lots that could be developed on this land and if they meet Town Code, they do have the right to do that subdivision and they could do two flaglots, which in essence would create that. So, they do have the right to do that per Town Code.

Mr. Nadeau made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Roberts seconded. All-Aye. Motion carried.

Mr. Nadeau made a motion to approve the Minor Subdivision application for the Mikol Subdivision. Mr. Roberts seconded. All-Aye. Motion carried.

**New Business:**

**14.076 NB      Sonis Brothers Inc. (Sunoco), 1500 Route 9 – Change of Tenant/Use**

Mr. Ouimet stated I think at this point the applicant will have to submit a new Change of Tenant/Use application due to the applicant's failure to appear before the Planning Board for the

third time. Mrs. Murphy stated at that request; I would suggest that you deny the application based on their not being here. Mr. Ouimet asked Mr. Harris if the applicant was notified of the last three appearances that have been requested for this application? Mr. Harris stated yes, by email and by telephone. Mr. Ouimet asked Mr. Harris if he personally spoke to the applicant. Mr. Harris stated Mr. Marlow has spoken to a person in his office, but I'm not sure that it was the applicant that he spoke to. Mr. Ouimet asked is it clear that the applicant understood that they had to be here tonight? Mr. Marlow stated yes, my secretary and I have both talked to multiple people on multiple occasions and they told us not to worry and they would have somebody there and obviously no one has been here to date.

Mr. Roberts made a motion to deny the Sonis Brothers Inc. (Sunoco) Change of Tenant/Use application due the applicant's failure to appear before the Planning Board for a third time. Mr. Berkowitz seconded. All-Aye. Motion carried.

**14.097 NB      Grace Fellowship Church, 1 Enterprise Ave. – Addition to Site Plan**

Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of Grace Fellowship Church. Also here this evening is Pastor Justin Yim from the church. We are here tonight to request an extension for the temporary classroom that was built along the backside of the church. Back in April of 2013 this Board granted an approval for that temporary classroom and that approval was valid for 1-year after the date a building permit was issued and that Building Permit was issued at the end of August of 2013. So, we are here tonight to request an additional 12-month extension to that approval. The church and myself will not be back here to request an additional extension of the approval and we are here just for this one 12-month approval for that. The second item that we're here for this evening is to request this Board's approval to construct approximately 14 FT x 24 FT storage shed. Currently there are two storage units located on the corner of the parking lot and I believe those storage units are scheduled to be removed in two weeks. So, once those storage units are removed there will be the need for some external storage and we would like to request this Board's approval for that shed there. Mr. Roberts stated if I heard you correctly; you're saying that this will be the final extension of this and that the next time it will not be temporary and it will be permanent. Mr. Dell stated correct, we will not be here to request another extension of the temporary classroom. Mr. Higgins stated as far as the temporary storage shed; you don't have any renderings or anything like that and it will fit into the area, correct? Mr. Dell stated yes and I believe it's a 14 FT x 24 FT prefab. Mr. Higgins stated and again just to clarify what Mr. Roberts said; this is a 12-month extension and that's it. Mr. Dell stated correct. Mr. Higgins stated the following: Okay, because the write-up said "or until funds are secured to put in the addition". So, there is no stipulation regarding funds and its 12-months and if they don't have the funds at that time, the temporary classroom will be removed, correct? Mr. Dell stated correct. Mr. Ouimet asked where on the drawing is the shed? Mr. Dell stated no parking will be removed or anything along those lines for the shed and we are proposing some arborvitae screening around the north side of it, but it's up in the upper corner where the existing storage units are right now. Mr. Ouimet stated and that shed is permanent, correct? Mr. Dell stated yes, the shed would be permanent. Mr. Berkowitz asked are you going to pour concrete for that? Mr. Dell stated I believe the intension would be to pour concrete. Mr. Marlow stated this application has to go before the Saratoga County Planning Board and no action can be taken tonight. Mr. Ouimet stated okay and since this is on a County road, it has to be referred to the County Planning Board and asked if the referral has been sent to the Saratoga County Planning Board. Mr. Marlow stated yes, the referral has been sent to the County. Mr. Ouimet asked when does the County Planning Board meet? Mr. Marlow stated they just met this past Thursday so, it won't be until the third week in September. Mr. Ouimet stated so; we wouldn't be able to hear this until the second meeting in September. Mr. Nadeau asked

could we approve this contingent on the County's approval? Mr. Ouimet stated no. Mrs. Murphy stated the problem the applicant is wrestling with is that it expires in a day. Mr. Dell stated correct, tomorrow. Mr. Harris asked is it essential that the Board renew the temporary approval for the temporary structure due to the addition of a permanent structure of a shed be delayed on that approval until the second September 22, 2014 Planning Board meeting? Mrs. Murphy stated so; extend the temporary nature of the classroom until the next meeting after the County meeting and you'll have to hold on the shed until you hear back from the County is what I'm hear you saying? Mr. Harris stated yes, because the temporary classroom was reviewed last year. Mr. Ouimet stated okay, but there's a caveat here and what about the storage containers and will they now have to remain because the shed is not approved? Mr. Dell stated no, they're scheduled. Pastor Yim stated they are going no matter what. Mrs. Murphy stated the following: So; it's my understanding what the Board is approving is a temporary extension of the temporary classroom until the September 22, 2014 Planning Board meeting. However, the Board is not taking any action with regards to the shed because we have not heard back from the County and the County has commented previously on the temporary classroom and all of this is conditioned upon the applicant's removal of the temporary storage containers that are there within two weeks from today. Mr. Harris stated we will also make a request to the County that they review this under their Memorandum of Understanding (MOU) with the Town and not wait until the September 22, 2014 meeting. Mr. Ouimet stated okay, if we can get you on in two weeks, we'll get you back on, but you'll have to come back in for the shed, okay? Mr. Dell stated understood.

Mr. Berkowitz made a motion to approve the Addition to Site Plan application for Grace Fellowship Church. The Board extended the one-year approval for the temporary classrooms until the time a County referral is received regarding the additional request for the installation of a shed and pending removal of the existing storage containers/trailers. Mrs. Smith-Law seconded. Motion carried.

**14.098 NB      Key Valley, LLC, Smith Road – Major Subdivision (Revised to Minor Subdivision)**

Mr. Ouimet stated it is my understanding that this was originally presented as a Major Subdivision, but it changed before tonight's meeting to a Minor Subdivision, is that correct Mr. Rabideau? Mr. Duane Rabideau from Gilbert VanGuilder and Associates stated the following: It was intended to be a Minor Subdivision, but it was determined to be a Major Subdivision. Mr. Ouimet stated because originally there were five lots, correct? Mr. Rabideau stated yes and it was changed per the Planning Department. Mr. Ouimet stated so; what you're bringing before us tonight is only four lots, which makes it a Minor Subdivision. Mr. Rabideau stated the following: That's correct. I'm here representing Key Valley LLC in their request for a four-lot subdivision. The parcel is located on the east side of Smith Road about 1,000 FT north of Vosburgh Road. The proposed action is to subdivide a 2.9-acre parcel into four lots. Lot A is approximately 29,000 SF, Lot B is approximately 20,000 SF, Lot C is 1.1-acres that would be a flaglot configuration and Lot D is about 28,000 SF. The lots will be serviced by public water and public sewer. Also, Lot A and Lot B will have a combined driveway to minimize a curb cut and also Lot C and Lot D will have a combined driveway to basically minimize curb cuts and to get the required sight distances. Mr. Nadeau asked is this south of the previously duplex that they were doing? Mr. Rabideau stated that's correct and it's about 200 FT south of it. Mr. Higgins stated so; the duplex that's being built now is not Lot A? Mr. Rabideau stated no, the duplex lot is being built on the southerly most lot that was approved by the Planning Board in the Spring of 2012 and then there's another parcel in between and then these four lots. Mr. Higgins stated okay, I was just wondering regarding the Generic Environmental Impact Statement (GEIS) requirements and this is a totally separate lot than what we're talking about the other two lots? Mr. Rabideau

stated that is correct. Mr. Higgins asked was it subdivided at some point or was it always three separate lots? Mr. Rabideau stated it was always three separate lots.

Mr. Ruchlicki made a motion to set a Public Hearing for Key Valley LLC for the September 8, 2014 Planning Board meeting. Mr. Berkowitz seconded. All-Aye. Motion carried.

**14.099 NB      Jay's Auto Repair, 457 Route 146 – Sign**

Mr. Frank Marzullo from Signtronix stated the following: We are the manufacturer of the lighted signs in reference to Jay's Auto Repair. The applicant is looking to replace his existing 32 SF, 4 FT x 8 FT non-lighted sign with an internally lit lighted sign. The sign would have the same setback, the same height and the same everything and he is just replacing the same square footage with the internally lit sign. Mr. Roberts stated the following: I have a concern; the sign itself may be the same height, but they are proposing to increase it almost twice of what it is now. If I understand this correctly from 8 FT to 14 FT, is that correct. Mr. Marzullo stated the following: No that's incorrect; the size of the sign now is 4 FT x 8 FT and we would be replacing it with a 4 FT x 8 FT sign. Mr. Ouimet asked but how high off the ground would the sign be? Mr. Marzullo stated we can go to the what the existing or whatever the Township's height is and with talking with the owner he has changed it to meet whatever the height requirement is that's existing now. Mr. Roberts stated so in effect; you're just replacing what's there and kind. Mr. Marzullo stated yes and just that it would be internally lighted. Mr. Roberts stated okay, I like that much better than proposing to go higher. Mrs. Murphy stated I would recommend that you set a height because he's saying the height that you can under the ordinance and you're saying the height that it is now. Mr. Roberts stated okay so I'm saying 8 FT because that is what it is now. Mr. Marzullo stated that's correct and that's fine. Mr. Harris stated the application though shows a sign as high as 14 FT. Mr. Marzullo stated as high as 14 FT yes, but that's changed since that time and he just wants to keep it more monument style now. Mr. Harris stated the following: Okay. I just want to make sure because when we go back to look at this tomorrow, I'll figure it out. So, I want to make sure that you understand and the Board also understands. Mr. Roberts stated so; it's going to be the same height that is existing now. Mr. Marzullo stated correct. Mr. Ouimet stated the same height, which is 8 FT. Mr. Marzullo stated correct. Mr. Roberts stated and the same dimensions. Mr. Marzullo stated correct. Mr. Higgins stated I don't have the drawing showing where on the property, but that you're not going to have a problem with obstructing your view coming out of the driveway and is the sign setback far enough? Mr. Roberts stated it's in the same place that it was before and we never had any complaints. Mr. Higgins stated but it was a much smaller sign before. Mr. Ouimet stated no, it's the same size.

Mr. Roberts made a motion to approve the Sign application for Jay's Auto Repair with the condition that the new sign dimensions shall be the same as the existing sign and shall be no higher than eight (8) FT. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.100 NB      Cutting Edge Barber Shop, 1602 Route 9, Suite 3 – Sign(s)**

Mr. Joshua Belleville, the applicant, stated the following: Cutting Edge Barber Shop is located at 1602 Route 9 and I'm seeking approval for my signs. I'm proposing two signs that already exist and I would just be replacing the old signs with the new signs that I have. I'm proposing a 2.5 FT x 8 FT wall-mounted, internally lit sign and a 2 FT x 8 FT, two-sided, internally lit free-standing/monument sign. Mr. Roberts stated the signs look good except for one clarification that we have to make is that the higher sign that cannot be located on the roof and asked the applicant if he was aware of that. Mr. Belleville stated this sign is existing and it's not on the roof and it is actually located in the front of the store. Mr. Roberts asked so, are we okay? Mr. Harris stated yes, the cedar shingles are shaped so they look like they're false and from that angle it



looks like it goes up, but it doesn't. Mr. Belleville stated yes, I took a picture and it looks like it is tilted. Mr. Harris stated if you from the back, you can see from the side that the actual roof is lower than the cedar shingles and the cedar shingles stand higher above the roofline already and it's been like that for a while. Mrs. Murphy stated so, it is below the roofline. Mr. Belleville stated yes. Mr. Ouimet asked is it any bigger than the sign that was approved for the prior tenant? Mr. Belleville stated no, my proposed sign is exactly the way it was and they are using the same exact plastic piece too. Mr. Roberts stated okay, then that's fine as long it is not above the roofline. Mr. Ouimet stated we ask that when you advertise that you are not in Clifton Park and that you're in Halfmoon. Mr. Belleville stated okay.

Mr. Roberts made a motion to approve the Sign application for the Cutting Edge Barber Shop. Mrs. Smith-Law seconded. All-Aye. Motion carried.

**14.101 NB      College of Nanoscale Science & Engineering, 5 Corporate Drive – Addition to Site Plan**

Mr. Mark Fobare from Monolith Solar Associates stated the following: We have been contracted to build this for the College of Nanoscale Science & Engineering. Mr. Kevin Sharp stated I'm the facilities and equipment manager of the College of Nanoscale Science & Engineering in Halfmoon. Mr. Fobare stated the following: Again, we've been contracted by the College of Nanoscale Science & Engineering to provide them with what's referred to as temporary experimentation platform and what they're going to be doing is putting in some various manufacturer's solar energy panels to be able to compare one manufacturer against another. I'm not really going to get into details here, but as I said, it's going to be a temporary structure and we're looking at about 12 months. If I understand correctly, what we're looking at is that there was one question of any merit and what they were asking was whether or not that they would be able to have trucks coming in and out of this facility. So, we provided documentation on this and there are no large trucks going to that facility. As far as the units; they will be placed in the parking lot and that facility is not used for parking at all. Mr. Ouimet stated the following: I guess the question was raised about the access to the loading docks, which are on the side of the building right in front of the proposed array. Actually I raised the question on whether or not there is sufficient turning radius to access the dock to enter and leave the dock. So, are you saying that the loading docks wouldn't be used? Mr. Sharp stated the following: We are not accepting any large deliveries at the facility and only smaller vehicles and they're usually flatbeds and that's the only thing that we've had of recent. All the equipment that's in the building right now is more than we can handle. Mr. Ouimet stated so; whatever is moved in or out of that facility is done with panel trucks? Mr. Fobare stated either that or with a fork truck. Mr. Nadeau asked did you say approximately 12 months or are you saying 14 or 16 months. Mr. Fobare stated it is my understanding that that it will be 12 months. Mr. Nadeau asked what's the construction of the building? Mr. Fobare stated it's a mock roof and the height of this will be about knee level or 18 inches at the rise and the larger structure is .5 on 12 so, it will only rise one foot. So, in essence we'll probably create the structure to about be knee high. Mr. Ouimet asked Mr. Marlow if he had an occasion to look at the parking situation around that building? Mr. Marlow stated the following: I did look at the parking situation and I was actually at the site today and it doesn't appear to be that there's a whole lot of activity as far as vehicles being parked at the site. Actually, in the area that they're talking about, there wasn't a single car parked there today when I stopped by. As well; I was provided emails from the other tenants in the building just letting us know that they have no objection to this and that they're acknowledging what's going to be here and they are all okay with it. Mr. Berkowitz asked do you have to run any power lines to this building? Mr. Fobare stated the following: No. In essence, it's a deck and it's not a permanent deck. It's just going to be put on platform on top of the pavement and 12 months later it will be

removed. Mr. Ouimet stated so; this will be a self-contained whatever. Mr. Fobare stated correct. Mr. Higgins stated in the area that this is going; was that previously used for snow storage or anything from your other area? Mr. Fobare stated no, actually it's a parking lot.

Mr. Berkowitz made a motion to approve the Addition to Site Plan application for the College of Nanoscale Science & Engineering for a temporary ground mounted solar panel roof structure for the purposes of research and testing. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.102 NB      Mother Teresa Academy, 13 Executive Park Drive – Change of Tenant & Sign**

Ms. Joyce Maddalone, the applicant, stated the following: I'm the director of Mother Teresa Academy. I'm applying for a certificate of occupancy and a sign. Mr. Ouimet asked can you tell us a little bit on how your academy is going to function and what are you going to do there? Ms. Maddalone stated the following: We've been in existence and this will be our ninth year and we are from the Department of Education with nursery through fifth grade, but we're not at fifth grade and we're just chartered by the State to do that. So, it's an elementary school under the usposis of the State of New York. Mr. Ouimet asked how many classrooms would you have? Ms. Maddalone stated we have four classrooms there. Mr. Ouimet asked what grades are assigned to those classrooms? Ms. Maddalone stated nursery through kindergarten. Mr. Ouimet stated I know, but they're not all going to occupy four classrooms so; how many will be nursery and how many will be kindergarten. Ms. Maddalone stated the following: Everyday it changes as we had more people come in today. So, probably at this point there will be a total of about 36 to 38 students. Mr. Ouimet stated so, that's your student total? Ms. Maddalone stated yes. Mr. Ouimet stated and you wouldn't have any more than that, correct? Ms. Maddalone stated unless more students come in and we do have very large classrooms. Mr. Ouimet stated well, we're trying to get a handle on what you're actually going to run there and whether you need four classrooms, five classrooms or six classrooms. Ms. Maddalone stated we have four. Mr. Ouimet stated I understand that you have four, but if you take more students, where are you going to put them? Ms. Maddalone stated they can only be in those grades. Mr. Berkowitz asked how many students are you licensed to have? Ms. Maddalone stated it doesn't go on how many and we're not daycare. Mr. Berkowitz stated are there any State Education requirements? Ms. Maddalone stated no, we're under the State Education Department like any other private school would be. Mr. Berkowitz stated so theoretically you could have anywhere from 10 to 100 kids? Ms. Maddalone stated not in a room like that as it depends on the size of the room. Mr. Berkowitz asked how big are the rooms and how many kids can be in each room? Ms. Maddalone stated the following: The rooms are about 24 FT x 27 FT. So, you could probably have at the most 15 or 16 in a classroom. Mr. Berkowitz stated so; you're limited to 60 kids. Ms. Maddalone stated yes. Mr. Roberts asked are you coming from another location or is this brand new or what? Ms. Maddalone stated this is our ninth year and we coming from Moe Road in Clifton Park. Mr. Roberts asked how many students did you have at the Moe Road location? Ms. Maddalone stated we had about 70. Mr. Roberts stated okay, we just needed to get an idea on what we might be facing here. Mr. Ouimet stated so; if you're coming from a facility with 70 students and then projecting four classrooms with up to 60 students, you're actually downsizing, correct? Ms. Maddalone stated yes, but to a larger space. Mr. Ouimet asked what are your hours of operation? Ms. Maddalone stated the school day would be from 8:00am to 3:00pm and there is morning care from 7:00am to 8:00am and after care from 3:00pm to 6:00pm. Mr. Ouimet asked how many employees do you have? Ms. Maddalone stated about ten. Mr. Ouimet asked would your employees be full-time or part-time? Ms. Maddalone stated yes, full-time and part-time. Mr. Ouimet asked the Planning staff if they had an opportunity to look at the parking situation at the site? Mr. Marlow stated the following: We did look at the parking situation there. When I

initially reached out to you about a week ago, you told me in an email that there were around 36 children. So, we did a parking calculation based off the 36 children and we did it as a higher standard and we got 29 parking spots that are required and there are 42 parking spots on the site. Regarding the traffic flow; there are two ingresses and egresses through there that kind of form somewhat of a horseshoe or "U"-shape. So, it's kind of does have a certain flow pattern automatically and it's just whether people stand and wait for their kids depending on their age. Ms. Maddalone stated well, there is a school bus that will come in out also so, there wouldn't be all those parents. Mr. Ouimet stated the following: This is interesting because I'm hearing from you that you project 36 students and I'm hearing from the applicant that they're hoping to have more than 36. Ms. Maddalone stated well, everybody would like their business to grow and if there is room in the classroom, then that's good. Mr. Ouimet stated if you project the parking requirements based on 60 students, what would you get? Ms. Maddalone stated children don't drive. Mr. Ouimet stated no, but they're all dropped off and picked up. Ms. Maddalone stated at different times, yes. Mr. Marlow stated the way we do the parking calculation for this is; one space per three occupants plus one per teacher. Mr. Berkowitz stated so; you'd need about 40 spots. Ms. Maddalone stated the following: During the day from 8:00am to 3:00pm there would probably be six people and the kindergarteners would all come by a school bus. Some children would come at 8:00am, some would come at 9:00am, some would come at 7:00am and some would be picked up 3:00pm, 4:00pm and 5:00pm. Mr. Ouimet asked are you willing to commit to a maximum number of students of 36? Ms. Maddalone stated I don't think our business could grow if you only have 36 children. If the classroom is allowed to have more per square feet, then we would like to do that. Mr. Ouimet stated but the problem that we're running into is; we don't know what we're being asked to be approved here as we don't know how many students. Ms. Maddalone stated the following: At this point, I know what we have unless some come and some go. Somebody may decide tomorrow that they're moving and they're gone. Mr. Ouimet stated I understand, but you know what you have now and that would that be 36, right? Ms. Maddalone stated today we have 36. Mr. Ouimet stated and all our calculations are based on a facility of 36 students and ten teachers and this is the problem that we're having. Ms. Maddalone stated no, I didn't say ten teachers, there are four teachers. Mr. Ouimet stated okay, there would be four teachers and 36 students. Ms. Maddalone stated yes. Mr. Ouimet asked how many administrators will you have? Ms. Maddalone stated one receptionist, myself and a part-time principal. Mr. Bianchino stated the following: Well, earlier she had said the rooms are large enough to get 16 students. So, there are four rooms, 16 students and Mr. Harris did the math in his head and got 64 people. So, that's 64 students and we said nine staff so, what does the parking work out to be for that? Mr. Harris stated the following: That works out to be 32 spaces; one per staff and then one per three students. We used the pre-school daycare center standard, which is more restricted than elementary, middle school and junior high using the more restricted parking standards. So, that would end of being 32 spaces. Ms. Maddalone stated we're not under any daycare rules. Mr. Harris stated but our parking standards for pre-school groups it with daycare and it has nothing to do about how State classifies you as. Mr. Ouimet stated the following: So; if we considered a maximum of 64 students based on our review of the parking situation and the flow of traffic around the building that would be subject to approval by the Board. Is that what we're saying and is that acceptable to you? Ms. Maddalone stated yes. Mr. Ouimet stated so, do you understand that we're doing; we're doing a maximum of 16 students per classroom. Ms. Maddalone stated yes. Mr. Ouimet stated and if you add another classroom, you would have to come back to us and we'll review it. Mr. Nadeau asked are we saying 16 per classroom or a total of 64 students, because what if they get 22 per class with more in one class and less in the other. Mr. Ouimet stated we're doing a total of 64. Mr. Higgins stated the following: I think the applicant has to understand that we had problems in that area before with parents picking children up from the other school and we've had complaints from some of the

other businesses that are there. So, all of the parents picking children up or dropping them off or the school bus; that all has to be done within your parking lot and they cannot flow out into the road and a Town road cannot be used as a staging area for either dropping children off, picking them up or parents waiting to pick up children. Ms. Maddalone stated okay, I would have never even given that a thought so, thank you for that. Mr. Higgins stated the following: That's the reason for a lot of these questions because we had a severe problem there before. So, I just wanted to make sure that you understand. Ms. Maddalone stated okay, I do appreciate you telling me that because I didn't understand what that had to do with it and now I understand. Mr. Higgins stated the following: That's the whole reason for it and we want to make sure that you understand that everything has to be done within your parking lot. So, if you see that parents are waiting out on the road and blocking the road, you have to make sure that you tell them that they have to pull into the parking lot to wait. Ms. Maddalone stated okay, I'll do that. Mr. Higgins stated thank you. Mr. Berkowitz stated so; if there is any point during the year where all the parents are present some event, you will have to have them park in the parking lot. Ms. Maddalone stated most of our events are held at St. Edward's Church. Mr. Berkowitz stated okay. Mr. Ouimet stated whatever this Board chooses to do tonight, it's still going to be subject to a Certificate of Occupancy and that Code Enforcement is going to have to go in and review the building as to whether or not it meets the codes and that hasn't been done yet, has it? Mr. Maddalone stated no, not that I know of, but it was a school before and no one has said anything to me about that. Mr. Harris stated the following: You're required to get what the Building Department calls a "tenant set-up". So, they don't do that until you get an approval from the Planning Board. So, if you were to get an approval tonight, you would then call tomorrow or Wednesday and I would think sooner rather than later given the enrollment for the school year to setup an appointment with one of the Building Inspectors for what's called a "tenant set-up" and they would then come and review what the Building Code Regulations are for your use. So, once you have the Planning Board approval in your hand and next it's the Building Code to make sure and I don't know what those requirements are, but for your type of use, they will review it and you will setup an appointment with them after your approval. Mr. Ouimet stated basically what that means is if this Board were to approve your request tonight, you couldn't open until Code Enforcement goes through and issues you a Certificate of Occupancy. Mr. Maddalone stated yes, I understand that. Mr. Roberts stated if we approve this application, I suggest that we set a maximum number of students and a maximum number of instructors or workers there. Mr. Ouimet asked Mr. Roberts if he had an opportunity to look at the Sign application? Mr. Roberts stated the signs already there, right? Ms. Maddalone stated yes. Mr. Roberts stated the sign meets the code.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

Number of Signs: 1

Sign 1:

55" x 36" = 12.5 SF (25 SF total)

Two-sided

Free-Standing/Monument

Mr. Berkowitz made a motion to approve the Change of Use/Tenant application for Mother Teresa Academy conditioned on a maximum of 64 students and nine teachers/staff and that a Certificated of Occupancy (C.O.) must be received prior to occupancy. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign application for Mother Teresa Academy. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.104 NB      Halfmoon Massage, 1407 Route 9, Bldg. 2 – Change of Use/Tenant**

Mr. Nicholas LaFountain from Garner Holdings LLC stated the following: I'm proposing a Change of Use/Tenant applicant for Halfmoon Massage. Halfmoon Massage is a full service massage therapist service company that provides its clients with massages, adjustments and muscle therapy. The owner, Ms. Joyce Pauline Varriale is the only full-time employee and has hired two additional part-time employees and she expects three clients on-site at most totaling 6 at peak times, which is normally in the afternoon 2:00pm to 6:00pm. Halfmoon Massage has been allocated 6 parking spots total and share the building with Dental Care Services, who have yet to move into the building, but they will be moving in shortly as well as Rutnick & Company CPA's and Northern Funding. Mr. Roberts asked is this site all up to code and we're all set? Mrs. Murphy stated the applicant was before the Town Court and settled his last matter on either Monday or Tuesday of last week. Mr. Berkowitz asked can massage therapist do adjustments? Mr. LaFountain stated negative. Mr. Berkowitz stated you might want to change that then. Mr. LaFountain stated no adjustments will be made or I mean the adjustment of no adjustments will be made. Mr. Roberts asked is there going to be a sign? Mr. LaFountain stated no sign. Mr. Roberts stated okay, if they are going to have a sign, they would need to come back to this Board for an approval. Mr. LaFountain stated of course.

Mrs. Smith-Law made a motion to approve the Change of Use/Tenant application for Halfmoon Massage. Mr. Berkowitz seconded. All-Aye. Motion carried.

**14.111 NB      Saratoga Academy, 17 Executive Park Drive – Change of Tenant & Sign**

Mr. Michael Christensen, the applicant, stated the following: Thank you for adding us to your agenda for this evening. We were asked to come before the Board because the building that we were approved for a year and a half ago when we came and discussed putting our pre-school operation over in building #17 and as we began working through the logistics of that and working with the State, we realized that that would be a difficult operation and we had intended rather instead to move some of our elementary and middle school aged students into that facility. We talked to the landlord not recognizing that we would have to come here to have the Change of Use. So, we were informed of that and scheduled to get on the agenda for this evening. The buildout was done in accordance to the approvals of the Planning Board upon our last approval and the plans that were submitted to the Building Department so, we actually held ourselves to the higher standards for parking. The site plan review was done and the work was completed to extend the parking lot and put a turnaround into the building actually linking Buildings #17 and #19, which is the landlord's property. The buildout is nearing completion and at this point we are waiting because of this evening for the scheduling of the fire alarm systems to be put in and then we would be expecting our final inspections. So, it's actually considerably fewer students and fewer staff that would be going into that building next year. Mr. Ouimet asked is your Pre-K going to stay where they are? Mr. Christensen stated yes. Mr. Ouimet asked the Planning staff if they had an opportunity to look at the site? Mr. Harris stated the following: Yes and I do want to clarify something for some of the members. The Building Department had sent a letter in error to Mr. Christensen regarding his building permit. The permit to occupy the space and renovate does not expire until November and it was his demolition permit and he erroneously got a letter regarding the expiration of it so, you can ignore that fact that I had in there from Friday in your topics. Yes, Mr. Marlow and I we did check out the site and the improvements that were a condition of approval when it was proposed as a pre-school were completed and additional parking spaces and a driveway connection of pavement to 19 Executive Park Drive was accomplished and was done and the parking is adequate for middle school students because the

pre-school standard was much higher and more intense for parking. So, he does have adequate parking. Mr. Higgins stated so; this is going to be middle school now and are any of the children that are going to be in middle school need to go to the original building during the course of the day for any of the other functions or are they always going to be in that one building? Mr. Christensen stated there will be different events in the evening when they may be there, but during the course of the business day and the school day the students that would be assigned to that building would be at that building. Mr. Higgins stated I was on the committee last year and you have a big open air recreation area where the children went out during the course of the day for gym if it's a nice day so; where are these 40 middle school children going to go for their outside recreation? Mr. Christensen stated I'm not sure what you're speaking about. Mr. Higgins stated the following: It's very clear and in other words, if the 40 children were at the other building during the course of the day when the committee was there and saw the children going outside and going up into the area in the back to have their outside time during the day. So, my question is that if those 40 children are now at the other building, you don't show anything as far as an outside recreation area for those children at the new site. Mr. Christensen stated no, the middle school wouldn't have playground or anything of that nature and those students wouldn't be utilizing that, but there is some space in the back of the building. Mr. Higgins stated the following: Because of the problems that we've had previously with not asking the right questions, according to what you're telling us and that's why I'm asking the question. So, they'll be no outside recreation facility at this new building. Mr. Christensen stated no and any time our students were to go for physical education or something like that, we maintain a bus and those students are bussed to the library and to Hayner's Sports Barn. Mr. Higgins stated so; they wouldn't be bussed back to the original building for anything. Mr. Christensen stated no. Mr. Higgins stated I want to make sure and make very clear that they're not going to be walking on the road in between the two buildings or anything like that. Mr. Christensen stated no, definitely not. Mr. Higgins stated the following: Okay. The Town has not received any complaints as far as people parking on the road, which you addressed last year and obviously if that was to start happening again, there could be a problem. Mr. Christensen stated the following: Right and understood. I think especially with this building in particular, I think aside from one or two students, every one of those students would be bussed. So, I think you'll see very little traffic being emanated from building #17. Mr. Higgins stated okay and that's the reason we're asking the question is because we don't want to have a misunderstanding. Mr. Christensen stated I understand and that's fine. Mr. Roberts asked could you please explain your sign with the dimensions, etc. Mr. Christensen stated it was the same sign that was approved before scratching out the words "pre-school". Mr. Roberts stated so; the sign would be 2 FT x 5 FT, correct? Mr. Christensen stated right and I realized that I put that it was two-sided, but it's only one-sided sign. Mr. Roberts stated the sign meets the criteria.

Mr. Higgins made a motion to approve the Change of Tenant application for Saratoga Academy with the following conditions: (1) all parking and student drop-off/pick-up shall be on site and shall not occur along Executive Park Drive; and (2) during normal business hours, all middle school student activities shall occur on-site and there shall be no students walking between this site and other Saratoga Academy facilities. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign application for Saratoga Academy. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.109 NB      S. Saxon Company, 1524 Route 9, Suite B – Change of Use/Tenant**

Mr. Stuart Greenway, the applicant, stated the following: We want to open a jewelry store on Route 9. We have 30 years of experience and my lovely wife is going to help me. We have

plenty of parking and we're ready to roll. Mr. Ouimet asked is this located next to Dr. Morrison's dental office, correct? Mr. Greenway yes it is and it's in front of Saratoga Academy. Mr. Ouimet asked the Planning staff if they had an opportunity to look at the site and checked the parking situation? Mr. Marlow stated the following: We did look at the parking and there are 40 parking spaces on the site right now and they only need to have ten. I was at the site the other day and there were only a handful of cars in the parking lot. So, there does not appear to be a parking problem at this point. Mr. Roberts asked the applicant if he had a sign application. Mr. Greenway stated we're in the process of filling out that application and we're just changing it, it's the same thing and it's real easy. Mr. Roberts stated you will have to come back to the Board to get an approval for your Sign application. Mr. Greenway stated okay. Mr. Ouimet stated welcome to Halfmoon. Mr. Greenway stated thank you very much and I'll try not to say Clifton Park.

Mr. Roberts made a motion to approve the Change of Use/Tenant application for S. Saxon Company. Mr. Berkowitz seconded. All-Aye. Motion carried.

**Old Business:**

**14.089 OB      Halfmoon Healthcare Campus PDD, Route 146 – Amendment to PDD**

Mr. Kevin Dailey, Esq., stated the following: I'm here tonight for the Halfmoon Healthcare Campus Planned Development District (PDD) application. When I was here two weeks ago, the Board asked me to do a few things and we've done them and actually we just finished this afternoon on this. We had to submit a long form Environmental Assessment Form (EAF) and I have submitted that to Mr. Harris in the Planning Department. When Mrs. Sautter was here at the last Planning Board meeting, she said "I'd like you to show on the map the space where the medical facility would go and to make sure that you show enough space for 225,000 SF and for the parking that would be necessary". So, we did that on the map that was in your package that hopefully you saw coming in this evening. On the map we've created a box with the approximate location of where we've always had that facility going back to 2008 and we've left enough space for the building and for the required parking. One thing I do want to make sure that the Board is aware of; when we had originally had that approved; we had a four-story parking garage. I've since learned and you are never too old to learn that people are not keen about building parking garages in suburban townships. Downtown that can work and it won't work out here as people are not going to pay for parking. So, what we've done is that we've eliminated two of the stories and we have a parking deck of basically one-story up. So, we've gone from four platforms to two; surface and one and have basically moved the surface parking elsewhere and created somewhat of a larger building footprint for that, which is shown on the map. The other thing that the Planning Board asked me to do since we were here two weeks ago was to get back and talk to our traffic consultants, Creighton-Manning and in a similar exercise to what we did when we were here last year on the memory care facility and Mr. Ouimet and I had some conversations at that time and what Creighton-Manning is recommending that as we go forward for each subsequent phase that we basically do a supplemental traffic study. So; we're happy to do that as it worked well with this Board the last time and that will basically assess where we are in the process in terms of what we're doing on-site, but also look at additional background growth in the Town and what might be triggered as traffic controls either for this project or further off-site and that is what the letter dated August 25<sup>th</sup> says and that came in this afternoon and I apologize for not getting it to you sooner. So, that's to bring you up-to-date on where we are and what we were asked to do from the time that we were last here. Would you like me to recap what the proposal is? Mr. Ouimet stated no, I don't think that is necessary. Mr. Dailey stated okay, I think you're pretty familiar with it at this point. Mr. Ouimet stated the following: I think at this point that we're going to have to set a Public Informational Meeting, which we will do since all the

documents have finally been submitted to CHA. CHA's review was one of the things that I had asked for and they haven't had a chance to see it any sooner than we have and we'll have to give them some time to do their engineering review prior to the Public Informational Meeting. Are there any County referrals on this application? Mr. Harris stated yes and they actually were tabling further receipt of more information like the traffic, the EAF and comments from the Board. Mr. Ouimet stated alright so, it can be referred out to them again. Mr. Harris stated yes, they have it and as we get more information, we're forwarding it to the County. Mr. Ouimet stated we need to do an expanded public notice on this one as well since we did it on the first go round. Mr. Harris stated yes. Mr. Ouimet stated we are going to need some time to get that out and we're thinking we can schedule that for the first meeting in October, which is Tuesday, October 14<sup>th</sup> due to Columbus Day. Mrs. Smith-Law stated I wasn't here so; who decided a parking garage is a bad idea? Mr. Dailey stated the following: Every hospital that I've talked to and if it's in downtown Albany, you can actually charge money and in Schenectady Ellis has a parking garage and they just said "look we're not going to build one of those in Halfmoon, maybe in 20 years from now, but we're not going to do it now and we had actually been able to acquire more square footage by actually concentrating the parking. I think for the 225,000 SF facility we needed 960 spots and when you basically put that all out on as surface parking, it takes up a huge amount of acreage. So, by concentrating it into a garage, it was much more efficient and we also thought about old people or pregnant ladies in the middle of February walking a quarter of a mile into the building and we were trying to eliminate that. So, with a one-story deck, all the doctors could park their BMW's underneath the deck and some of the patients wouldn't have to travel so far. So, it seemed to be a good compromise and it seemed to be cost effective and it actually gives us a better tool to try to use to try to attract somebody because when they were looking at the price tag of building the parking garage, it was very expensive and it almost got us to the point of being a non-starter and people just said "no thanks and if you can do something else, come back and talk to us". Mrs. Smith-Law asked are these decks going to be built so that they can be added onto? Mr. Dailey stated we weren't planning on it. Mrs. Smith-Law stated I hate the idea of just ripping up more greenspace. Mr. Dailey stated I'm not qualified to answer that question, but I can find out. Mrs. Smith-Law stated you might want to do that and I think you know that I used to work at Metroplex and we owned the parking garage and that garage was originally only two-stories, but it was built and as the city grew you could add onto it. Mr. Dailey stated I understand that these parking facilities go up like erector sets and we'll take a look at that and I'll have an answer at the next meeting on whether we can go with that if in fact that's a good idea at some time in the future. Mr. Higgins stated I know you show the one area as a 225,000 SF proposed healthcare and what about the rest of the site; what do you have planned for there? Mr. Dailey stated the following: In our proposal we're trying to accomplish two main things with two larger buildings and as you know we've discussed for years now 225,000 SF for medical type facilities, which we think is important for the community and should be in the Town of Halfmoon. The other large facility that we were looking at was a bio-medical Nano research facility given our geographic location halfway between Luther Forest and the Nano College, a medical campus and we've had discussions with Rensselaer Polytechnic Institute (RPI) about this and we feel that it is a technological innovative type activity that really doesn't exist yet and we're talking Star Trek type medical technology, Nano technology with nanites in your body and I know it sounds like science fiction, but I think that it's probably right around the corner. We have had discussions with the Town Board about this and some of the Town Board members were very fearful that it would be an unethical type bio-medical research going on that might upset people from a religious perspective, but we have made an agreement with the Town Board that if there is any bio-medical research activities here that we come back to Town Board for further approvals and specifically as to what kind of bio-medical research. So, those are the two main structures going back to 2008. We're also looking at medical offices and there is a need for



that and if you look around the Clifton Park/Halfmoon area there are doctors' offices all over the place. They're open Tuesday morning 9:00am to 11:00am and closed the rest of the week. We think that to have place where we can concentrate these offices would make sense and also from the perspective of doing more in the way of adult continuing care and this Board has approved the memory care facility and we think that there may be more activities that we could bring in for the elderly that will require continuing care and in a way that's good for us because it allows us somewhat back into the need for medical facilities there. Mr. Higgins stated so; the hospital is off the plans at this point, right? Mr. Dailey stated the following: Not necessarily and when we were here two weeks ago we talked about it and I believe this at this point; in the original PDD legislation Mrs. Murphy put the definition of what a hospital is from the Health Law right in the local law. I don't think that we're ever going to see a hospital built in New York State again that will meet the criteria of what the Health Law lays out as to what a hospital is. I think you're going to see healthcare and medical services provided in different ways going forward and I think a lot of that is basically being defined and redefined as we go forward. Healthcare is going to be provided in the United States in a much more cost effective in a different way than what we collectively as citizens have been used to all of our lives. You're not going to see these several hundred million dollar mausoleums, which is how I would describe the VA hospitals built and it's not cost effective and it really doesn't provide good healthcare.

Mr. Roberts made a motion to set a Public Informational Meeting for the Tuesday, October 14, 2014 Planning Board meeting with an expanded notice consistent with prior expanded notice areas for this site for the Halfmoon Healthcare Campus Amendment to PDD application. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**14.092 OB      Precision Periodontics, 1426 Crescent Vischer Ferry Rd – Addition to Site Plan**

Mr. Lance Manus stated the following: I'm here representing Nada Azadivatan from Precision Periodontics. We had to put off the meeting two weeks ago because we were waiting for comment from Saratoga County Planning. In the meantime, the Board had a couple of suggestions, which I took back to the owner and one of them was to add some landscaping along the edge of the parking between the property line and the parking, which she was more than happy to do and she thought that would add more character to the building as she really hasn't done any landscaping since she purchased the property a year ago. So, we're proposing some arborvitaes or alternatively some upright yews and something that isn't going to hang out over the street and that would stay within its space. Mr. Bianchino also had some suggestions relating to the actual layout of the parking, which were good suggestions and I have tried to improve maneuverability a little bit by extending a little bit out so that there is a turning space for vehicles. I also looked at the space we had allocated for parallel parking and we stretched that out a little bit more and we have 66 FT now, which would be delineated to park three vehicles. We also found that we had misquoted the number of spaces that we were providing because I had forgot to count the one existing handicapped parking space that they're using right now. So, there will be ten spaces instead of the nine that was shown on the earlier plan. Mr. Ouimet asked the Planning staff if they had heard anything from the County? Mr. Marlow stated yes, we did and the County is okay with it and they had No Significant County Wide Impact. Mr. Ouimet stated I want to thank Mr. Manus and the doctor for agreeing to add some buffering between the parking area and the roadway. Mr. Manus stated yes, she thought it would improve the site and she just asked that we would keep it on the other side of the electric pole because there are already some low plantings next to the sign and she didn't want to block visibility of the sign. So, it will start just beyond the existing electric pole that's there and we'll continue it on down to the end of the parking. Mr. Ouimet stated we appreciate that.

Mr. Nadeau made a motion to approve the Addition to Site Plan application for Precision Periodontics. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**14.094 OB      Rainbow Direct, 1627 Route 9 – Change of Use**

Mr. William Snide, the applicant, stated the following: I'm representing Rainbow Direct. I would like to open by expressing a deep apology to the Board. I did not realize when I appeared before you two weeks that we were in non-compliance and to be honest with you, I was quite embarrassed. I immediately got on the phone and notified the owner and manager that we were in non-compliance and to the best of my knowledge we're in compliance now as we're down to nine sets, the trampolines have been removed and the front canopies are subdued. Again, I apologize for that as it was an oversight on our part and it was an honest mistake. Mr. Ouimet stated it does look good as I've been by the site so; tell us what you're proposing to do. Mr. Snide stated the following: Basically to extend our season the swingset season is basically ending now. We are proposing to extend our season as we have in other sites within several States that we're in selling upscale sheds. I think the Board has illustrations of the sheds and we're proposing nine sheds within the site. So, if you're looking at the site that we have now that's to the left and then there is a lot of parking area in this area and that's more than enough to accommodate our customers and we'd like to take the space up front to display the nine sheds. Mr. Roberts asked how close to the property line are you proposing to put these sheds? Mr. Snide stated there is a trench out front and then there is a berm right here and then there is grass and another grass berm in another area so; we would put them up to the area that is paved only. Mr. Roberts asked are they going to be almost opposite to the swingsets? Mr. Snide stated the following: Yes and explained to the Board where the location of the nine sheds would be. Also, we would not be blocking the paved area that's about a width of a car that can go into the other business in addition to their normal entrance where there is a little cut through into our parking area where they display the cars and stuff and we're not going to infringe upon that. Mr. Roberts stated the following: I'm just concerned how it's going to look having those sheds so close to Route 9. I know he's doing it for a reason and that's obvious, but the swingsets are already there and I think it's going to look a little bit crowded having the sheds out there and that's just my own opinion. Mr. Ouimet asked are you suggesting that you can't move the sheds back any further because of that cut through? Mr. Snide stated no, we'll do that if that's what the Planning Board wants. Mr. Ouimet stated yes, but I don't want to infringe on that cut through that you just mentioned. Mr. Snide stated the following: No, we won't do that because we want to be good neighbors. Since we've been there, they have not utilized it that much, but it's there and we don't want to infringe upon it. Mr. Ouimet asked Mr. Roberts what he thought about how far back? Mr. Roberts stated the following: It's hard to say looking at this, but I'm just concerned because it's so close. So, I guess whatever will work for the gentleman, but I can't give you how many feet back because I don't really know. Mr. Higgins asked are these display sheds? Mr. Snide stated yes. Mr. Higgins stated so; if a customer comes in and wants to order a shed, is it shipped directly from the factory to the people or does it come to the site? Mr. Snide stated it's ordered from New Jersey and then they would come in be taken to the person's property and they would be informed that the need to prepare an area or a bed for it. Mr. Higgins stated the following: Okay. The reason why I'm asking is because we had a number of different shed companies in Town and we've had different arrangement with them. So, you're only going to have the nine sheds and you're not going to stock any sheds anywhere else in the back area? Mr. Snide stated no, we only lease this area here and the back area is for somebody else to lease, which used to house an auto body repair shop. Our agreement with Mr. Dan Cummings is for this area right here. Mr. Higgins stated and the maximum number of units that you're going to have and the sizes are what you have here? Mr. Snide stated nine. Mr. Higgins stated nine units

of the sizes that are shown on the sheet? Mr. Snide stated yes. Mr. Berkowitz asked do you know what you're going to put in there yet because some of these are gorgeous. Mr. Snide stated the following: We're going to put our best foot forward and we'll have a cross section. I haven't picked out the ones in particular and that would be up to the owner. Mr. Berkowitz stated if you could put the nicer ones in front that would almost look like a house up front. Mr. Snide stated we're going to make it look nice. Mr. Ouimet stated I don't know if he's going to get nine houses up front because some of them are quite large. Mr. Snide stated the following: They're upscale and they're nice sheds. This is new for us here and we hope that the market will support it. Mr. Ouimet stated the following: I think the only concern that I have is that I really don't want to clutter up this site. I'm looking at what was submitted here and I don't see any proposed layout and I don't even know how you could do it. Mrs. Murphy stated yes, what happens is your things are in two separate maps so; as part of this approval it would create a new configuration. Mr. Ouimet stated yes, they need to be consolidated into one. Mr. Snide stated I submitted nine or ten copies of this map with the nine sets. Mrs. Murphy stated so; if we could put the approved together with whatever they do tonight, for one map with everything on it. Mr. Ouimet stated the following: What you have submitted for tonight shows the sheds, but not the playsets. The one that was approved prior to tonight is the one with the playsets on it. Mr. Snide stated I went to Mr. S. Y. Kim and asked him to put this together so; I understand what happened. Mr. Ouimet stated I think what we're going to need is one that shows them both. Mr. Snide stated okay. Mr. Ouimet stated also with the playsets on it and that way there will be one approved site plan and we won't have to juggle two different maps around. Mr. Snide stated I understand. Mr. Ouimet stated with this proposed shed display area; you pretty much limited yourself to the size of the sheds that you're going to put here. Mr. Snide stated the following: Yes, we took into consideration the space and we didn't want it cluttered and we wanted it to look nice. So, we're not trying to clutter the area, but we wanted to present a cross section of the sheds that we have for sale and in addition we'll be handing out booklets and stuff like that. I understand what you're saying about a consolidated plan and I can get that with no problem at all, but I'm hoping that perhaps the Board will approve this because we need to get these sheds in as the season has already started. Mr. Berkowitz asked will any of this be landscaped at all? Mr. Snide stated no. Mr. Ruchlicki stated no, it's pavement and they are going to be sitting on that pavement area so, there is really no way that you could landscape it unless you put plastic trees in there, correct? Mr. Snide stated no, in fact, Mr. Cummings put all new pavement in and resurfaced everything last year and it's nicely done. Mr. Ouimet stated I would also ask that what you do is that you move those sheds back. Mr. Snide asked how far back would you like them? Mr. Ouimet stated wherever you show them on the new revised map, that's where they'll be. Mr. Roberts asked would 15 FT work because that would make the site look cleaner? Mr. Snide stated would you prefer that Mr. Marlow or somebody come out to site with me and he can say whether it is reasonable? Mr. Harris stated but what is the condition; 15 FT setback from what? Mr. Ouimet stated 15 FT from the property line because right now they're right on the property line. Mr. Snide stated okay, the pavement goes to here, then this is grass and then there is a ditch so; it is considerably back from the road. Mr. Ouimet stated so; the line that you show in front of the proposed sheds is the pavement line? Mr. Snide stated yes. Mr. Ouimet stated so, would 15 FT back from that pavement line work because that's quite a lot. Mrs. Murphy stated yes, I think they were talking about doing a visit conditioned upon placement as approved by the Planning Board. Mr. Ouimet stated it has to be mutually agreed to by you guys. Mr. Snide stated the following: You just tell us where you want them and we'll put them there. So, we'll come up with an agreement and I'll have a new site plan to comply with what we come up with an agreement with. Mr. Snide stated the following: I would like some guidance from the Board as next year we would like to display three trampolines, which we did this year in non-compliance. One of them would have a basketball hoop go on it, but no basketball would be put in the

trampoline to be used because there is a risk of it being bounced out. These are the safest trampolines made and they are non-spring and they'll called springless trampolines and we would like to display the three sizes that are most popular. Mr. Ouimet stated I think you would have to show us where you want to put them. Mr. Snide stated okay so, would I come before the Board at another date and we'd have to do a new application? Mr. Ouimet stated yes and whenever you want to add them. Mr. Snide stated okay, that's what I wanted.

Mr. Roberts made a motion to approve the Change of Use application for Rainbow Direct with the following conditions: (1) the proposed sheds shall be set back from Route 9 in a location to be determined by mutual agreement of the applicant and the Planning Department; (2) a revised Site Plan shall be submitted indicating the number, size and placement of the sheds, along with the playsets that were previously approved on April 14, 2014. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the August 25, 2014 Planning Board meeting at 8:44pm. Mr. Berkowitz seconded. All-Aye. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary